

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANGELA M. LUFFMAN,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:09-CV-388
)	(VARLAN/GUYTON)
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge H. Bruce Guyton on June 30, 2010 [Doc. 20]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, Magistrate Judge Guyton found that defendant Commissioner's motion for summary judgment [Doc. 18] should be denied, and that plaintiff's motion for judgment on the pleadings [Doc. 11] should be granted for purposes of remanding the case.

The Court has carefully reviewed this matter, including the underlying pleadings. The Court is in agreement with Judge Guyton's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 20]. Additionally, it is **ORDERED** that the Commissioner's motion

for summary judgment [Doc. 18] be **DENIED**; that plaintiff's motion for judgment on the pleadings [Doc. 11] be **GRANTED** only for purposes of remanding the case; that the Commissioner's decision in this case denying plaintiff's application for benefits under the Social Security Act be **REVERSED**; and that this case be **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for a new hearing consistent with this opinion and Judge Guyton's Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE